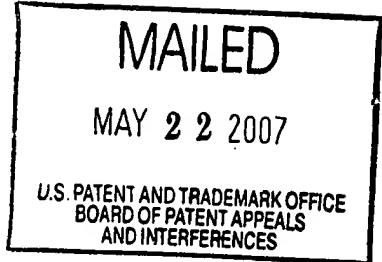


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YATIN ACHARYA

Application No. 09/905,080



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 18, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On July 25, 2006, the Examiner mailed an Examiner's Answer. A review of the Examiner's Answer reveals that the section entitled "Evidence Relied Upon" is defective. The Manual of Patent Examining Procedure (MPEP) § 1207.02 (8th ed., Rev. 3, August 2005) clearly states:

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, submitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to issue and mail a Form PTOL-90, citing the references used to reject the claims on appeal (Evidence Relied Upon); and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeal Administrator
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PJN:clm

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